

ENTERED

June 12, 2019

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANGELA JARVIS,

Plaintiff,

v.

GENERAL LAND OFFICE OF THE
STATE OF TEXAS,

Defendant.

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Civil Action No. H-18-1463

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the court is the Magistrate Judge's Memorandum and Recommendation denying Defendant's motion to dismiss (Dkt. 14). Dkt. 35. Defendant filed objections to the Memorandum and Recommendation. Doc. 36. Plaintiff has not filed a response to Defendant's objections.

A party may file objections to a Magistrate Judge's ruling within fourteen days of being served with a copy of a written order. Fed. R. Civ. P. 72; *see also* 28 U.S.C. § 636(b)(1)(C). The standard of review used by the district court depends on whether the Magistrate Judge ruled on a dispositive or non-dispositive motion. *See* Fed. R. Civ. P. 72; *see also* 28 U.S.C. § 636(b)(1)(C). District courts must determine de novo any part of the Magistrate Judge's disposition to which there is a timely objection. *See* Fed. R. Civ. P. 72 (b)(3).

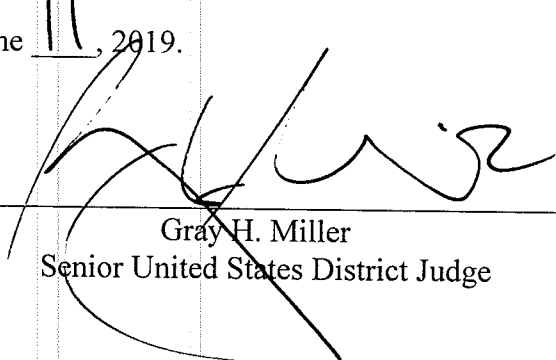
The court has conducted a de novo review of the Memorandum and Recommendation and Defendant's objections. The court concludes that Plaintiff's Intake Questionnaire may function as a timely-filed charge of discrimination and shall relate back to the date of the filing of the Intake Questionnaire.

Defendant also complains that Plaintiff failed to state a claim under Title VII and that the Magistrate Judge failed to consider this alternative ground for dismissal in her memorandum. The court has considered Defendant's motion to dismiss, Plaintiff's response to Defendant's motion to dismiss and Plaintiff's Second Amended Complaint. The court finds that Plaintiff has adequately stated a claims for retaliation, constructive discharge and a hostile work environment. Defendant may challenge the factual sufficiency of Plaintiff's claim in a timely filed motion pursuant to Federal Rule of Civil Procedure 56.

Defendant State of Texas's objections are **OVERRULED**. The Memorandum and Recommendation is **ADOPTED IN FULL**.

It is further **ORDERED** that the parties submit agreed dates by June 14, 2019, in order that an amended scheduling order may be entered.

Signed in Houston, Texas on June 11, 2019.



Gray H. Miller
Senior United States District Judge